

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC)  ECF Case
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*This document relates to:*

**Federal Insurance Co., et al. v. al Qaida, et al.**  
**03 CV 6978 (RCC)**

**Thomas Burnett, et al. v. Al Baraka Investment  
& Development Corp, et al.**  
**02 CV 9849 (RCC)**

**AFFIDAVIT OF JAMES J. MCGUIRE  
IN SUPPORT OF APPLICATION TO CHANGE  
COUNSEL PURSUANT TO LOCAL CIVIL RULE 1.4**

STATE OF NEW YORK     )  
                                  )     ss:  
COUNTY OF NEW YORK )

JAMES J. MCGUIRE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and makes this affidavit in support of the application of defendant DMI Administrative Services, S.A. ("DMI S.A."), pursuant to Rule 1.4 of the Local Rules, to substitute my Firm, Sheppard Mullin Richter & Hampton LLP, as counsel of record for DMI S.A. in *Federal Insurance Co., et al. v. al Qaida, et al.* 03 CV 6978 (RCC) (the "*Federal Action*") and *Thomas Burnett, et al. v. Al Baraka Investment & Development Corp, et al.* 02 CV 9849 (RCC) (the "*Burnett Action*") and replace outgoing counsel, White & Case LLP.

2. I also make this affidavit in support of defendant Islamic Investment Company of the Gulf (Sharjah) ("IICGS") the application of, pursuant to Rule 1.4 of the Local

Rules, to substitute my Firm, Sheppard Mullin Richter & Hampton LLP, as counsel of record for IICGS in the *Federal* Action and replace outgoing counsel, White & Case LLP.

3. The status is as follows with respect to DMI S.A.:

- (a) A Motion to Dismiss the *Burnett* Action was submitted to the Court on April 9, 2004;
- (b) Plaintiffs filed an Opposition to DMI S.A.'s Motion to Dismiss the *Burnett* Action on June 4, 2004;
- (c) A Reply Memorandum in support of DMI S.A.'s Motion to Dismiss the *Burnett* Action was submitted to the Court on June 18, 2004;
- (d) DMI S.A. entered into a Stipulation in the *Federal* Action regarding service of process issues and motion scheduling on July 27, 2004 and September 8, 2004.
- (e) A Motion to Dismiss the *Federal* Action was submitted to the Court on October 15, 2004;
- (f) Plaintiffs filed an Opposition to DMI S.A.'s Motion to Dismiss the *Federal* Action on December 14, 2004; and
- (g) A Reply Memorandum in support of DMI S.A.'s Motion to Dismiss the *Federal* Action was submitted to the Court on January 4, 2005.

4. The status is as follows with respect to IICGS:

- (a) IICGS entered into a Stipulation in the *Federal* Action regarding service of process issues and motion scheduling on July 27, 2004 and September 8, 2004.
- (b) A Motion to Dismiss the *Federal* Action was submitted to the Court on October 8, 2004;
- (c) Plaintiffs filed an Opposition to IICGS's Motion to Dismiss the *Federal* Action on December 7, 2004; and
- (d) A Reply Memorandum in support of IICGS's Motion to Dismiss the *Federal* Action was submitted to the Court on December 21, 2004.

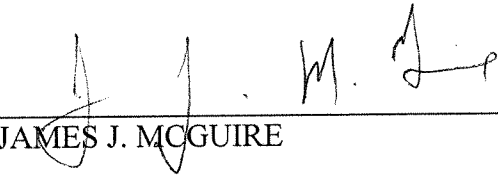
5. No trial date has yet been set in this matter.

6. It is not anticipated that the proposed substitution of counsel will delay the progress of this case.

7. Attached hereto as Exhibit A is a consent and stipulation to substitute attorneys in both the *Burnett* Action and the *Federal* Action, entered into and signed by Sheppard Mullin Richter & Hampton LLP, White & Case LLP, and DMI Administrative Services, S.A.

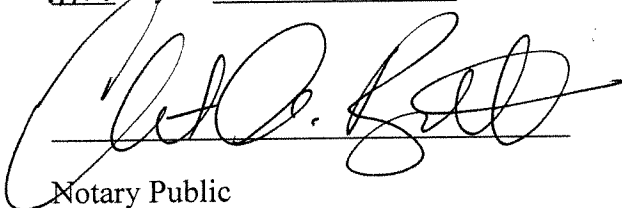
8. Attached hereto as Exhibit B is a consent and stipulation to substitute attorneys in the *Federal* Action, entered into and signed by Sheppard Mullin Richter & Hampton LLP, White & Case LLP, and Islamic Investment Company of the Gulf (Sharjah).

Accordingly, we respectfully request that the proposed substitution of counsel be approved.

  
\_\_\_\_\_  
JAMES J. MCGUIRE

Sworn to before me this

14th day of March, 2005

  
\_\_\_\_\_  
Notary Public

CHRISTINA ANN BENNETT  
NOTARY PUBLIC, State of New York  
No. 01BE040323  
Qualified in Queens County  
Commission Expires April 17, 2006

## **EXHIBIT A**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

In Re: Terrorist Attacks on September 11, 2001	Case No. 03 MD 1570, filed in Associated Cases: 1:03-cv-09849-RCC and 1:03-cv-6978-RCC
<b>SUBSTITUTION OF ATTORNEY</b>	

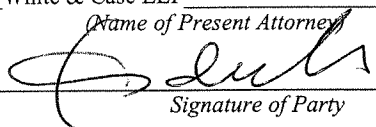
\_\_\_\_\_ **DMI Administrative Services, S.A.** \_\_\_\_\_ ☐ Plaintiff ☒ Defendant ☐ Other \_\_\_\_\_  
 (Name of Party)

hereby substitutes \_\_\_\_\_ James J. McGuire, Timothy J. McCarthy, Mark A. Berube \_\_\_\_\_  
 who is ☒ Retained Counsel ☐ Court Appointed Counsel ☐ Pro Per

of Sheppard, Mullin, Richter & Hampton, LLP  
 30 Rockefeller Plaza, Suite 2400  
 New York, New York 10112  
 Telephone: 212-332-3800, Facsimile: 212-332-3888,

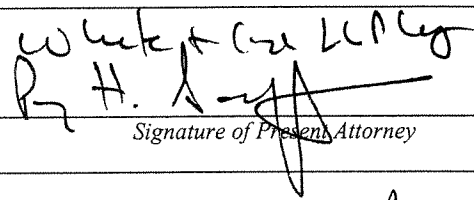
as attorney of record in the place and stead of \_\_\_\_\_ White & Case LLP \_\_\_\_\_

Dated: 1/2/2005, 2005

\_\_\_\_\_  
*(Name of Present Attorney)*  
  
 Signature of Party

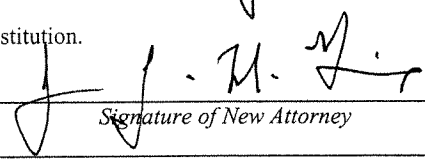
I consent to the above substitution.

Dated: February 24, 2005

\_\_\_\_\_  
*(Signature of Present Attorney)*  
  
 Signature of Present Attorney

I am duly admitted to practice in this District and consent to the above substitution.

Dated: 2/15, 2005

\_\_\_\_\_  
*(Signature of New Attorney)*  
  
 Signature of New Attorney

**Substitution of Attorney is hereby ☐ APPROVED. ☐ DENIED.**

Dated: \_\_\_\_\_, 2004

\_\_\_\_\_  
 United States District Judge / Magistrate Judge

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

Federal Insurance Co., et al.,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> Al Qaida, et al.,  <p style="text-align: center;">Defendant.</p>	Case No. 03 CV 6978 (RCC)  <div style="text-align: center; border: 1px solid black; padding: 10px; margin-top: 20px;"> <b>SUBSTITUTION OF ATTORNEY</b> </div>
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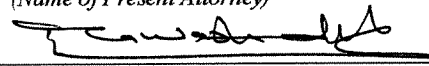
\_\_\_\_\_ **Islamic Investment Company of the Gulf (Sharjah)** \_\_\_\_\_ ☐ Plaintiff ☒ Defendant ☐ Other \_\_\_\_\_  
 (Name of Party)

hereby substitutes \_\_\_\_\_ James J. McGuire, Timothy J. McCarthy, Mark A. Berube \_\_\_\_\_  
 who is ☒ Retained Counsel ☐ Court Appointed Counsel ☐ Pro Per

of Sheppard, Mullin, Richter & Hampton, LLP  
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 Telephone: 212-332-3800, Facsimile: 212-332-3888,

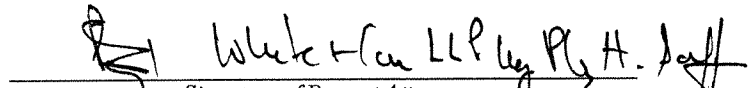
as attorney of record in the place and stead of \_\_\_\_\_ White & Case LLP \_\_\_\_\_  
 (Name of Present Attorney)

Dated: 1/2/05, 2005

  
 \_\_\_\_\_  
 Signature of Party

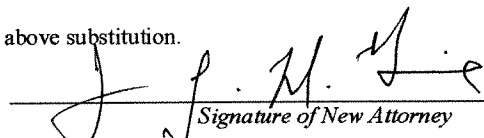
I consent to the above substitution.

Dated: February 24, 2005

  
 \_\_\_\_\_  
 Signature of Present Attorney

I am duly admitted to practice in this District and consent to the above substitution.

Dated: 2/15, 2005

  
 \_\_\_\_\_  
 Signature of New Attorney

**Substitution of Attorney is hereby ☐ APPROVED. ☐ DENIED.**

Dated: \_\_\_\_\_, 2004

\_\_\_\_\_  
 United States District Judge / Magistrate Judge

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>In re Terrorist Attacks on September 11, 2001</b>	<b>03 MDL 1570 (RCC)</b>  <b>ECF Case</b>
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& Development Corp, et al.  
02 CV 9849 (RCC)**

**PROPOSED ORDER OF SUBSTITUTION OF COUNSEL**

Sheppard Mullin Richter & Hampton LLP shall be and hereby is substituted for White & Case LLP as counsel for defendants DMI Administrative Services, S.A. and Islamic Investment Company of the Gulf (Sharjah).

Dated: March \_\_, 2005.

SO ORDERED:

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THE HONORABLE RICHARD C. CASEY, U.S.D.J.